

Rev. C. Elliott.

Diocesan Synod of Nova Scotia.

DECLARATION OF PRINCIPLES,
CONSTITUTION AND REGULATIONS OF SYNOD,
ORDER OF PROCEEDINGS,
RULES FOR TRIAL OF CLERKS, ETC.

Revised and Corrected Fifth Session of Synod, 1864.

HALIFAX, N. S.
PRINTED BY JAS. BOWES & SONS,
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Diocesan Synod of Nova Scotia.

DECLARATION OF PRINCIPLES.

We, the Bishop and Clergy, and Representatives of the Laity of the United Church of England and Ireland, within the Diocese of Nova Scotia, assembled together, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding and scandal, to make a declaration of the principles upon which we purpose to proceed.

We desire that the Church in this Colony may continue, as it has been, an integral portion of the United Church of England and Ireland.

We recognize the true Canon of Holy Scripture, as received by that Church, to be the rule and standard of faith; we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty-nine Articles of Religion, to be the true and faithful declaration of the doctrines contained in Holy Scripture; we maintain the form of Church Government by Bishops, Priests, and Deacons, as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of Church Government, and to transmit them to our posterity.

We uphold the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government or

supremacy over all persons within her dominions, in all causes whether ecclesiastical or civil; and we desire that such supremacy may continue unimpaired.

It is our earnest wish and determination to confine our deliberations and actions to matters of discipline, to the temporalities of the Church, and to such regulations of order as may tend to her efficiency and extension.

CONSTITUTION AND REGULATIONS OF SYNOD.

1st. Periodical meetings shall be held, composed of the Bishop, Clergy, and Laity of this Diocese; and their assembly constituted as hereafter provided, shall be called "The Diocesan Synod of Nova Scotia."

2nd. Every Clergyman in the Diocese, duly licensed by the Bishop, shall have a seat in the Synod, Presbyters alone having the right of voting. The Laity shall appear by their Representatives.

3rd. An election of Representatives shall take place at the Easter meeting held in each Parish or Ecclesiastical District next before each ordinary meeting of the Synod. The Parishes shall have the liberty of choosing their Representatives from any part of the Diocese.

4th. In any Parish or Mission where, in consequence of a vacancy in the incumbency, or the absence of the Minister, no Easter meeting has been held, it shall be lawful for the late Church Wardens or three members of the late Vestry to summon a meeting, giving due notice of the same, for the purpose of electing delegates for the next session of the Diocesan Synod.

5th. At the regular election of Synodical Delegates two *Provisional* Delegates may be elected.

6th. The Representatives of the Laity must have been communicants for the twelve months preceding the election,

and every adult male parishioner may vote for the Parish or District of which he is a member, upon subscribing the following declaration (if required by the chairman or any parishioner present), "I do declare that I am a member of the United Church of England and Ireland, and belong to no other religious denomination."

7th. Each Representative shall receive from his Minister a certificate that he is qualified as above, and from the chairman of the meeting at which he is elected a certificate of his election, and shall continue in office until his successor is appointed.

NOTE.—At its second session the Synod resolved that the words, "his Minister," in the above clause, shall mean, the Minister from whom he receives the Holy Communion, or any Clergyman of the Church of England who can certify that he is a communicant.

8th. If a vacancy should occur in the number of Representatives, the Minister shall proceed to appoint a new election, with as little delay as possible after due notice; and in case there be no Minister, then the Church Wardens or three members of the vestry, or if there be no wardens or vestry, then any five parishioners may summon a meeting to fill up the vacancy.

9th. Each District forming a separate cure of souls may send two Lay representatives.

10th. The quorum required to constitute a session of the Synod shall consist of not less than one-fourth of the whole number of qualified Presbyters in the Diocese, and of the Lay Representatives whose election shall have been certified to the Registrar of the Diocese; but no vote of the Synod shall be taken unless in the presence of at least three-fourths of those forming the quorum, with the Bishop or his commissary presiding.

11th. The vote of each order shall be taken separately, such vote being determined by the majority of the members present and voting in each order. And no act or resolution

of the Diocesan Synod shall be valid which shall not have received the concurrent assent of the Bishop, the Clergy, and the Laity.

NOTE.—At the second session the Synod resolved, that all members of the Synod present be required to vote on every question.

12th. The Clergy being under the obligation implied in their subscription to the Thirty-nine Articles, as well as the Three Articles of the 36th Canon, it is not competent for the Diocesan Synod to make alterations in those formularies, or in the method of interpretation laid down in the Declaration prefixed to the Thirty-nine Articles, or in the Book of Common Prayer of the United Church of England and Ireland, or finally in the authorized version of the Holy Scriptures. With these exceptions, the Diocesan Synod may deliberate and decide by a majority of votes taken as specified in Rule 11, on all matters affecting the interests of the Church in this Diocese.

13th. There shall be two Secretaries, one chosen by the Clergy, the other by the Laity, who shall keep regular minutes of all proceedings of the Synod.

14th. The ordinary meetings of the Synod shall be biennial, but the Bishop (or in his absence the Archdeacon) shall have power to summon additional meetings at his discretion.

15th. Any proposition for an alteration of the constitutions, regulations, rules of order, or canons, shall be introduced in writing and considered at the meeting at which it is proposed, and if approved by a majority shall lie over to the next meeting of the Synod, and if then again approved by majorities consisting of not less than two thirds of both Clergy and lay delegates, and by the Bishop, it shall be adopted.

16th. Members of the Church may be present at meetings of the Synod, on the understanding that they must be subject to the directions of the Chairman; and they may be required by him to withdraw upon the application of any three members of the Synod.

ORDER OF PROCEEDINGS.

1st. The business of every day shall be preceded by special prayer for the Divine guidance and blessing, according to a form authorized by the Bishop.

2nd. After this prayer the Clerical Secretary shall call over the roll of the Clergy, to be furnished by the Bishop, and mark the names of those in attendance, and the Lay Secretary shall call over the names of the several Parishes; when the certificates of the Representatives, having been presented, shall be examined by the Secretary and a committee of two to be appointed for that purpose; and where found satisfactory the names shall be recorded and read by the Secretary.

3rd. The election of new Secretaries shall then be made by the Clergy and Laity respectively, which officers shall hold their offices until their successors shall be appointed.

NOTE.—At the fifth session of the Synod it was resolved to appoint a permanent Lay Secretary, who need not be a member of the Synod.

4th. After this the order of business shall be as follows:

Reading, correcting and approving the Minutes of the previous meeting.

Appointing Committees.

Presenting, reading, and referring Memorials and Petitions.

Presenting reports of Committees.

Giving notice of motions.

Taking up unfinished business.

Consideration of motions.

5th. An address from the Bishop shall be in order at any time.

6th. All notices of motion given by a Presbyter, or a representative of the laity, for proceeding at a subsequent meeting, shall be read over at such meeting, and may be taken up by any member present at such meeting, in the same manner as if he had himself given the notice.

RULES FOR THE PRESERVATION OF ORDER.

1st. When the Bishop or other person presiding has taken the Chair, no member shall continue standing.

2d. When any member is about to speak for the information of the Synod, he shall rise and address himself to the Chair.

3d. No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or committees) unless seconded and reduced to writing.

4th. No Member shall speak more than twice on the same question without asking and receiving permission from the Chair.

5th. When a question is under consideration no other motion shall be received unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide it; and motions for any of these purposes shall have precedence in the order here named.

6th. Motions to adjourn or to lay on the table shall be decided without debate.

7th. When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Synod.

8th. Each member shall have the right to require at any period of the debate, that a question in discussion be read for his information.

9th. A member called to order whilst speaking, shall sit down, unless permitted to explain.

10th. All questions of order shall be decided by the Chair.

11th. All amendments to a motion shall be considered in the order in which they are moved.

12th. When a proposed amendment is under consideration no amendment to such amendment shall be in order; yet a

substitute for the whole matter may be proposed, and received, provided it deals directly with the subject in hand.

13th. All amendments to any question shall be decided on before the question or motion on which they arise is proposed for decision.

14th. Whilst any question is being put from the chair, the members shall continue in their seats, and shall not hold any private discourse; and when motion is so put, no member shall retire until such motion is disposed of.

15th. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.

16th. A question being once determined, shall not again be drawn into discussion in the same session, without the special sanction of the Bishop.

17th. No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded.

18th. When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding, has left the chair.

RULES REGARDING COMMITTEES.

1st. The proposer of any committee shall submit a list of persons to be appointed, subject to amendment by the Synod.

2nd. The Reports of Committees shall be in writing, signed by the Chairman, and shall be received in course.

3rd. The Chairman of the Committee, or some member deputed by him, shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.

4th. All reports of Committees recommending any action

or expression of opinion, shall be accompanied by a resolution for the action of the Synod thereon.

5th: In case any lay member of a Committee is not re-elected, his successor shall take his place in the Committee.

EXECUTIVE COMMITTEE.

Whereas, by the Act of the Provincial Legislature (26 Vic. Cap. 77,) this Synod was incorporated with full powers to receive and hold real and personal estate, and to let, sell, convey, or otherwise dispose of, and manage, the same, or any part thereof:

I. The powers thus granted shall be exercised by a Committee, consisting of the Bishop, nine Clerical, and nine Lay members of this Synod, to be called "*The Executive Committee.*"

II. At each ordinary meeting of the Synod, the Clerical and Lay member of the Committee whose names respectively shall stand at the head of the list, shall go out of office, and also the Clerical and Lay member whose attendance shall have been least frequent at the meetings of the Committee; but all such members shall be eligible for re-election. If any vacancy shall occur between the sessions of the Synod, it shall be filled up by the Clerical or Lay members, as the case may be, such nomination to be subject to the approval of the Synod.

III. The Executive Committee may, at their discretion, accept on behalf of the Synod real and personal estate to be at the disposal of the Synod, or to be held in trust for any religious or charitable object, and may affix the corporate seal of the Synod to any document which they may be required to execute with respect to such property.

IV. The said Committee may frame Bye-Laws for its own guidance, but such Bye-Laws shall be subject to revision by the Synod.

V. The Executive Committee shall be also the Business Committee of the Synod.

VI. The said Committee shall publish in any Church paper that may be established in the Diocese, at least three months before each meeting of the Synod, the business to be proposed by them.

Act of Incorporation.

(Passed April 29, 1863.)

WHEREAS, it is deemed just and expedient to incorporate the Diocesan Synod of the United Church of England and Ireland of this Province, for the purpose of enabling them to hold, acquire, and manage real and personal estate for religious purposes,—

Be it, therefore, enacted, by the Governor, Council, and Assembly as follows:

I. The Synod, consisting of the Bishop, Clergy, and Representatives of the Laity of the United Church of England and Ireland in this Province, shall be a body politic and corporate by the name of "The Diocesan Synod of Nova Scotia," and by that name may take, receive, and hold real and personal estate; and may let, sell, convey, or otherwise dispose of and manage the same or any part thereof.

II. Nothing in this Act contained shall extend to abridge or effect in any way the rights or privileges of any person or persons not being members of the said Synod, nor of any corporations, nor shall extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said Synod or their successors.

Regulations for the discipline of the Clergy.

PREAMBLE.

WHEREAS, by the Royal Letters Patent of Her Majesty Queen Victoria (dated Feb. 27, 21 Reg. 1858,) full power and authority is granted to the Lord Bishop of Nova Scotia and his successors, "by himself or themselves, or by the Arch-deacon or Archdeacons, or the Vicar General, or other officer or officers by him or them to be nominated and appointed, to visit all Rectors, Curates, Ministers, and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland within the said Diocese of Nova Scotia, as also to call before him or them, or his or their officer or officers, at such competent days, hours, and places, when and so often as to him or them shall seem meet and convenient, the aforesaid Rectors, Curates, Ministers, Chaplains, Priests and Deacons, or any of them, and to enquire as well concerning their morals as their behaviour in their said offices and stations respectively, subject nevertheless to such rights of review and appeal as are in the first Letters Patent given and reserved."

And, whereas, it is expedient to define the mode in which such power shall be exercised: We, the Bishop, Clergy, and Representatives of the Laity of the said Diocese, have agreed upon the following Rules, to be observed in order to secure a fair and impartial tribunal for the trial of any Clergyman who may hereafter be charged with any offence rendering him liable to Ecclesiastical censure.

I. Whenever the Bishop may determine to institute proceedings against any Clerk in Holy Orders, who may be charged with any offence against the Laws Ecclesiastical, or

concerning whom there may exist scandal or evil report, he shall issue a commission under his hand and seal to five Presbyters of not less than seven years' standing, and the Commissioners so appointed, or any three of them, shall enquire into the truth of the charges alleged against the party accused, as set forth in their commission; notice of the time and place of such enquiry having been given to the party accused, and to the party, if any, upon whose application or complaint the commission may have been issued, not less than thirty days before the time appointed for the commencement of the enquiry.

And, in the course of such enquiry, the Commissioners shall receive all such evidence as may be tendered to them, whether for or against the party accused.

And the said Commissioners shall report in writing, under the hands of at least three of them, whether, in the opinion of the majority of those present, there be or be not sufficient *prima facie* ground for instituting further proceedings; which report shall be accompanied by a copy of the evidence on which it is founded.

II. And in all cases when the Commissioners shall have reported that there is *prima facie* ground for further proceedings, the Bishop, with the written consent of the party accused, may pronounce judgment without further proceedings.

III. If the Commissioners shall report that there is *prima facie* ground for further proceedings, and the party accused shall not consent to have judgment pronounced as aforesaid, then, but not otherwise, three Clerks in Holy Orders, or three Clerks and three Laymen, shall be nominated as hereafter provided, to sit with the Bishop or his Commissary, specially appointed for this purpose, to hear the cause.

IV. Notice of the Bishop's intention to institute further proceedings shall be delivered to the person accused, together

with a copy of the charge or charges to be preferred, and the names of nine Presbyters, of not less than seven years standing, and of nine Lay members of the Diocesan Synod, from which the accused shall select, when the charge is one of error in doctrine only, three Presbyters, and in all other cases three Presbyters and three Laymen, and shall notify his selection to the Bishop within fourteen days after the receipt of said notice and list of names. But if the accused party shall refuse or neglect to make such selection, then at the expiration of twenty-one days from the day of receipt of list of names by the accused the Bishop may himself select three Presbyters or three Presbyters and three Laymen as aforesaid. And upon receipt of notice of the selection made by the party accused, or after his own selection, as the case may be, the Bishop shall notify to the said party the place and day appointed for his trial, which shall not be less than twenty-one days after he shall receive notice of the same.

V. At the trial there shall be at the least two of the Clerical and one of the Lay assessors, or in questions of doctrine the three Clergy present, with the Bishop or his Commissary; and the course of proceedings shall be in all respects, as far as possible, in conformity with the ordinary practice of Courts of Justice. And if, after full investigation and examination, the truth of the charges shall be proved to the satisfaction of the Bishop or his Commissary and a majority of the assessors (or in questions of doctrine of a majority of the Clerical assessors) sentence shall then be pronounced by the Bishop, in accordance with the powers conferred by the Letters Patent.

VI. If the party accused shall not appear on the day appointed for the trial, after having received the notice thereof, the cause may nevertheless be heard and determined, as if he were present, unless there shall appear to be sufficient cause for deferring proceedings to a future day.

VII. Advocates shall be allowed on both sides, at the pleasure of the parties, provided they are Clergymen resident in the Diocese, or Laymen who declare themselves to be members of the Church of England and do belong to no other Communion.

VIII. All proceedings under these regulations must be commenced within one year from the date of the alleged offence.

Election of a Bishop.

When the See is vacant, the Archdeacon of Nova Scotia, or, in case of his absence or incapacity, the senior Presbyter of the Diocese, being a member of the Synod, shall, within a fortnight after the occurrence of such vacancy, summon a meeting of the Synod, to be held in not less than thirty days, to elect a successor to the See; at which meeting the said Archdeacon, or in his absence the Archdeacon of Prince Edward Island, and in the absence of both, the senior Presbyter present shall preside; and it shall be the duty of such Archdeacon or Presbyter to forward as early as possible the name of the Bishop elect, to the proper authorities in England. And at such meeting of the Synod no other business shall be transacted.

At the Fifth Session it was *resolved*, that the several Parishes of the Diocese be requested to contribute a small sum toward the current expenses of the Synod in printing, &c.

It was also *resolved*, that the Churchwardens of each Parish make a Return to each Session of the Synod. The form of Return to be prepared and issued by the Executive Committee.

With reference to the Union of Prince Edward Island with the Synod of Nova Scotia, it was the opinion of the Synod that under the Act of Incorporation the members of the Church of England in P. E. Island are not included in the Diocesan Synod of Nova Scotia.

It was *resolved*, that the Bishop be requested to divide the Diocese into Rural Deaneries, and to take such measures as may be necessary for the appointment of Rural Deans.

It was the opinion of the Synod that the season of July is most convenient for holding the meetings.

THE EXECUTIVE COMMITTEE was instructed to print, at the expense of the Synod, the Constitution, Rules, Act of Incorporation, Rules for trial of Clergy, Proceedings of Synod, and such other matter, and in such form, as they may think desirable.





